



COUNTY OF LOS ANGELES  
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March 3, 2016

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TO: LORI GLASGOW  
Executive Officer  
Board of Supervisors

Attention: Agenda Preparation

FROM: ROGER H. GRANBO  
Senior Assistant County Counsel  
Executive Office

RE: **Item for the Board of Supervisors' Agenda**  
**County Claims Board Recommendation**  
**Reginald Smith v. County of Los Angeles, et al.**  
**United States District Court Case No. CV 11-10666**

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

RHG:scr

Attachments

## Board Agenda

### MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Reginald Smith v. County of Los Angeles, et al., United States District Court Case No. CV 11-10666 in the amount of \$650,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit concerns allegations of federal civil rights violations for a violation of Plaintiff's procedural due process rights when he was arrested on a warrant that was for someone else.

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Reginald Smith v. County of Los Angeles, et al.
CASE NUMBER	CV 11-10666
COURT	United States District Court
DATE FILED	December 27, 2011
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 650,000
ATTORNEY FOR PLAINTIFF	Donald Cook, Esq. Cook & Mann, LLP
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty
NATURE OF CASE	<p>This is a recommendation to settle for \$650,000, the lawsuit filed by Plaintiff Reginald Smith against the County alleging federal civil rights violations for a violation of Mr. Smith's procedural due process rights when he was arrested on a warrant that was for someone else.</p> <p>The County denies the allegations; however, due to the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a full and final settlement of the case in the amount of \$650,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 223,739
PAID COSTS, TO DATE	\$ 14,373

Case Name: Reginald Lenard Smith v. County of Los Angeles, et al.



## Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	July 25, 2007
Briefly provide a description of the incident/event:	<p><b><u>Reginald Lenard Smith v. County of Los Angeles, et al.</u></b> Summary Corrective Action Plan No. 2015-021-01</p> <p>In 1990, Robert Lee Cooks was arrested and booked under the alias "Reggie Lamar Smith." While free on bail, Mr. Cooks was found guilty of sexual battery, however, he failed to return to court for sentencing. In February 1991, a no-bail arrest warrant was issued for the arrest of Mr. Cooks. The warrant included his alias, "Reggie Lamar Smith."</p> <p>In 1991, after the warrant was issued, a member of the Los Angeles County Sheriff's Department, who was then assigned to the case, erroneously entered "Reggie Lamar Smith's" information into the true Reginald Lenard Smith's (plaintiff) database, which now made it appear as if the plaintiff had an active arrest warrant in the system. (It is important to note Mr. Cooks had coincidentally given his alias the same date of birth as the plaintiff. Both men were of similar height and weight.</p> <p>In July of 2007, the plaintiff was detained for a vehicle violation by members of the Williamson County Sheriff's Department in Franklin, Tennessee. Their investigation revealed a no-bail warrant issued in California. The Williamson County Sheriff's Department then contacted the Los Angeles County Sheriff's Department to initiate extradition proceedings.</p> <p>Based on the County Warrant database indicating the plaintiff had a no-bail warrant for sexual battery, the Los Angeles County Sheriff's Department contacted the Department's Major Crimes Bureau who facilitated the plaintiff's extradition to California where he was booked at a local station.<sup>1</sup> While at the station, it was discovered that the plaintiff was the individual identified in a 1992 grand theft vehicle warrant. The warrant did in fact belong to the plaintiff who had resided in California years prior.</p> <p>In August of 2007, after being held in the custody of the Los Angeles County Sheriff's Department for 34 days, the plaintiff was determined to be the wrong defendant named in the sexual battery warrant and was immediately released from custody.<sup>2</sup></p>

<sup>1</sup> At the time, the station was referred to as Lennox Station. Today, it is known as South Los Angeles Station.

<sup>2</sup> The plaintiff was sentenced to "time served" on his grand theft auto charge.

	In January of 2011, the plaintiff was arrested by members of the Los Angeles Police Department for the same sexual battery warrant. He was released from custody a few hours later when officers determined the plaintiff was not the individual named in the warrant. In August of 2012, the original sexual battery warrant was recalled and re-issued the true subject's name (Robert Lee Cooks) and unique identifiers.
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1. Briefly describe the **root cause(s)** of the claim/lawsuit:

The **primary** root cause in this incident was that a common name was placed into the Countywide Warrant System (CWS) without adding unique identifiers.

A second **primary** root cause in this incident was that a member of the Los Angeles County Sheriff's Department erroneously placed the wanted person's information in the plaintiff's database, causing the plaintiff to have a warrant in the system.

As a direct result of Root Cause "A" and Root Cause "B", the third (distinct) **primary** root cause in this incident was that the Los Angeles County Sheriff's Department extradited the plaintiff to California and placed him in custody for a warrant that did not belong to him.

The first of two **secondary** root causes in this incident was that the Los Angeles County Sheriff's Department failed to update or recall the warrant, after an investigation in the courthouse revealed the Department placed a warrant on the wrong person.

The second of two **secondary** root causes in this incident was that the Los Angeles County Sheriff's Department utilized the rolled ink fingerprinting system for its booking process, which may have created an individual to be booked under a given alias and possibly misidentified his/her true name and/or identity.

2. Briefly describe recommended corrective actions:  
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

In 1993, The Los Angeles County Sheriff's Department introduced the use of the Live Scan Fingerprinting machine (Live Scan), to identify those subjects who may have used different names when arrested in the past, as well as to document new subjects' fingerprints into the system.

When a subject's fingerprints are submitted via the Live Scan machine, it searches for the exact prints that are currently on file within the Los Angeles Automated Fingerprint Identification System (LAFIS), which is then forwarded to the Federal Bureau of Investigation (FBI) and Department of Justice (DOJ). If a match is found within the LAFIS, DOJ or the FBI, the same Criminal Identification and Information (CII) number will be associated with that subject. If no matching fingerprints are found, a new CII number will be created.

On December 12, 2013, the Los Angeles County Sheriff's Department revised its policy for individuals claiming not to be the wanted subject on a warrant. When such is claimed, a Warrant Verification Form shall be used and followed. (Los Angeles County Sheriff's Department Manual of Policy and Procedures section 5-07/110.60, Procedure When Subject Not Person Named in Warrant).

A Warrant Verification Form shall be initiated immediately upon a subject if one believes he is not the named person. The disputed Warrant Verification Form consists of a multitude of questions which assist to confirm or deny a subject's identity who is believed to be erroneously arrested and/or additionally charged. Furthermore, the subject's information is searched on multiple databases (Warrant Information Sheet (WIS), Regional Allocation of Police Services (RAPS), Consolidated Criminal History Reporting System (CCHRS), as well as other verification processes which compares specific identifiers to the subject.

The Warrant Verification Form shall then be submitted to the Watch Sergeant or Watch Commander to decide, based on the investigation, if the subject should be held on the warrant.

If the subject was brought into the custody of the Los Angeles County Sheriff's Department from an outside agency, a Los Angeles County Sheriff's Department member will advise the arresting agency of the request for a warrant verification as well as the findings. If the investigation proved inconclusive, that information will be required of how the outside agency determined it was the warrant subject.

If the outside agency elects to remove the warrant, the agency will be advised that they are responsible for updating the investigative information segment of any Countywide Warrant System (CWS) (Los Angeles County Sheriff's Department's Warrant Verification Form).

The member of the Los Angeles County Sheriff's Department who was responsible for incorrectly placing a warrant on the plaintiff's record, which resulted for the plaintiff to be arrested and incarcerated, has since retired in 1995.

Before or on January 30, 2016, the Los Angeles County Sheriff's Department's Risk Management Bureau will cause the re-publication and re-distribution of the following:

- Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 5-07/110.10, *Use of CWS*, to remind all members to compare all records and/or databases of any individual who is arrested on a warrant to ensure the individual matches the warrant information. (Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 5-07/110.10, *Use of CWS*).
- Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 5-07/130.05, *NCIC Entries-Arrest Warrants*, to remind all members that when a bench warrant is issued, it is the investigating unit's responsibility to determine if the warrant will be placed in the National Crime Information Index (NCIC) for extradition purposes (Los Angeles County

Sheriff's Department's Manual of Policy and Procedures section 5-07/130.05, *NCIC Entried-Arrest Warrants*).

- Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 5-07/020.00, *Obtaining of Felony and Misdemeanor Criminal Complaints*, to remind all members that a filing package must contain a Countywide Warrant System Initial Case Filing Form, which asks for all known identifying information of the subject (Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 5-07/020.00.10, *Obtaining of Felony and Misdemeanor Misdemeanor Complaints*).
- Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 3-09/120.00, *Sealing and Destroying of Arrest Records - Factually Innocent Subjects Only*, to remind all members the procedures of sealing and destroying the records of wrongly arrested adults, for warrants regardless of the charge on the warrant. (Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 3-09/120.00, *Sealing and Destroying of Arrest Records - Factually Innocent Subjects Only*).
- Los Angeles County Sheriff's Department's Field Operations Support Services Newsletter Volume 15, Number 10, *Verification Procedures for Disputed Warrants*, to remind all members the procedures when an inmate and/or arrestee claims he/she is not the warrant subject (Los Angeles County Sheriff's Department's Field Operations Support Services Newsletter Volume 15, Number 10, *Verification Procedure for Disputed Warrants*).
- Los Angeles County Sheriff's Department's Risk Management Bureau, Corrective Action Unit Newsletter, Volume 14, Number 3, *Warrant Verification*, to remind all members the procedures of verifying a warrant and that an individual's civil rights may be violated if the person arrested on a warrant is not the warrant subject (Los Angeles County Sheriff's Department's Risk Management Bureau, Corrective Action Unit, Newsletter Volume 14, Number 3, *Warrant Verification*).

County of Los Angeles  
Summary Corrective Action Plan

3. Are the corrective actions addressing department-wide system issues?

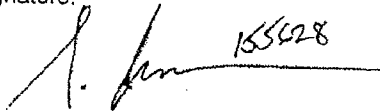
- ☐ Yes – The corrective actions address department-wide system issues.  
☒ No – The corrective actions are only applicable to the affected parties

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Scott E. Johnson, Captain  
Risk Management Bureau

Signature:

 12/21/15

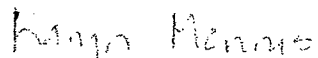
Date:

12-21-15

Name: (Department Head)

Karyn Mannis, Chief  
Professional Standards Division

Signature:



Date:

12-31-15

Chief Executive Office Risk Management Inspector General USE ONLY

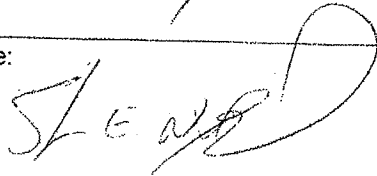
Are the corrective actions applicable to other departments within the County?

- ☐ Yes, the corrective actions potentially have County-wide applicability.  
☒ No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)

Steven E. Johnson for Dostiny Castro

Signature:



Date:

12-31-15